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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,620	05/18/2001	Wai Ho Siu	WHS/01	3342

7590 05/25/2004

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EXAMINER

BUTLER, DENNIS

ART UNIT	PAPER NUMBER
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2115

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DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,620

Applicant(s)

SIU, WAI HO

Examiner

Dennis M. Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. This action is in response to the application filed on May 18, 2001. Claims 1-5 are pending.

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

a) This application is claiming the benefit of a prior filed application under 35 U.S.C. 120. Copendency between the current application and the prior application is required.

Applicant's prior filed application 60/204,749 was filed on 5/17/00. This provisional application was abandoned after 12 months, on 5/17/01. Applicant's present application was filed on 5/18/01. 5/17/01 was not a holiday, a Saturday or a Sunday. Therefore, application 60/204,749 was abandoned on 5/18/01 and was not copending. See MPEP 201.04(b) and 35 U.S.C. 119.

b) An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 5 is indefinite because it does not end with a period and it is unclear whether the claim is complete.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2,4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Cho, U. S. Patent 6,681,333.

Per claim 1:

A) Cho teaches the following claimed items:

1. a portable data processing device operative with a stylus (stylus 30) with figures 1 and 2;
2. a channel removably storing the stylus located juxtaposed to a circuit board (circuit board 23) with channel 16 of figures 1 and 2 and at column 2, line 62 – column 3, line 17;

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3. an interlock switch mounted on the circuit board and having a push button extending into the channel with push button switch 25 of figures 1 through 3 and at column 3, lines 7-43.

Per claim 2:

Cho describes the channel formed in a mounting block located in the enclosure with figures 1 and 2.

Per claims 4 and 5:

A) Cho teaches the following claimed items:

1. a portable data processing device operative with a stylus (stylus 30) with figures 1 and 2;
2. an enclosure for housing a circuit board (circuit board 23) and a stylus mounting block with main body 12 of figures 1 and 2;
3. a channel removably storing the stylus located juxtaposed to a circuit board (circuit board 23) with channel 16 of figures 1 and 2 and at column 2, line 62 – column 3, line 17;
4. an interlock switch mounted on the circuit board and having a push button extending into the channel with push button switch 25 of figures 1 through 3 and at column 3, lines 7-43;
5. an electrical control circuit on the circuit board electrically connected to the interlock switch for turning the power supply on and off when the stylus is removed and re-inserted in the channel with power control unit 102 of figure 3 and at column 3, lines 18-43.

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8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho, U. S. Patent 6,681,333 in view of Chmaytelli, U. S. Patent 6,233,464.

Per claim 3:

Cho teaches the elements of claims 1 and as described in the above rejections. The claim seems to differ from Cho in that Cho fails to explicitly teach the interlock switch connected in parallel with a power switch of the device as claimed. However, Chmaytelli teaches that it is known to retain conventional controls for turning on and off the power as a back up at column 3, line 66 – column 4, line 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the interlock switch in parallel with a power switch of the device, as suggested/taught by Chmaytelli, in order to provide back up means for controlling the power supply. One of ordinary skill in the art would have been motivated to combine Cho and Chmaytelli because of Chmaytelli's suggestion of providing a back up for the stylus controlled power switch at column 3, line 66 – column 4, line 2. It would have been obvious for one of ordinary skill in the art to combine Cho and Chmaytelli because they are both directed to the problem of locating a switch in a stylus holding channel of a portable data processing device and turning the power supply of the device on and off when the stylus is removed and re-inserted in the channel.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis M. Butler whose telephone number is 703-305-

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9663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Dennis M. Butler

Dennis M. Butler
Primary Examiner
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